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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

ELIZABETH COCHRAN, individually,

CASE NO: 2:23-cv-00868-JAD-NJK

Plaintiff,

V.

WALMART, INC. d/b/a WALMART
#3473, a Foreign Corporation; DOE
EMPLOYEE; DOES II through XX; and
ROE BUSINESS ENTITIES
I through XX, inclusive

Defendant.

JOINT PROPOSED DISCOVERY PLAN
AND SCHEDULING ORDER

COMES NOW Plaintiff, ELIZABETH COCHRAN, by and through her attorney of record, AUSTIN R. WOOD, ESQ. of RICHARD HARRIS LAW FIRM, and Defendant, WALMART, INC. d/b/a WALMART #3473 (“Defendant”), by and through its attorneys of record, KURT R. BONDS, ESQ. and TANYA M. FRASER, ESQ. of ALVERSON TAYLOR & SANDERS, and hereby submit this Joint Proposed Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference

The parties participated in the FRCP 26(f) conference on July 7, 2023. The parties were unable to meet and confer prior to July 7, 2023, due to Plaintiff's counsel not receiving service of documents filed in the case in a timely manner. This issue arose from problems with Plaintiff receiving service through the federal court, which the parties now believe have been resolved. Once the parties realized that Plaintiff was not receiving service of the documents filed into the

1 case, the parties promptly scheduled the FRCP 26(f) conference the following day and Plaintiff
 2 filed her Certificate of Interested Parties.

3 At the time of the conference, there were no discovery disputes and Plaintiff and
 4 Defendant agreed to serve their respective initial disclosure statements no later than July 14, 2023.

5 The parties now propose the following discovery plan:

6 1. **Discovery Cut-Off Date:** Defendant filed its Petition for Removal on June 2,
 7 2023, based upon damages alleged in Plaintiffs' Request for Exemption from Arbitration.
 8 Plaintiff alleges injuries for which she continues to receive treatment, emotional distress, and lost
 9 wages, among other things. Ordinarily, and pursuant to LR 26-1(b), the discovery cut-off date
 10 would be based upon the date Defendant filed its Answer, May 19, 2023; however, as mentioned
 11 above, the parties are requesting a special scheduling review as commencement of discovery was
 12 delayed. Thus, the parties request a discovery cut-off date of January 2, 2024, which is 180 days
 13 from July 6, 2023, the date of filing of Plaintiff's Certificate of Interested Parties.

14 Good cause exists for a special scheduling review as Plaintiff did not have notice of
 15 removal in a timely manner, which has significantly delayed the parties' ability to commence
 16 discovery. Scheduling the discovery cut-off date for January 2, 2024 is necessary to allow
 17 sufficient time for the parties to obtain relevant facts regarding Plaintiff's pre-incident condition
 18 and alleged incident-related injuries, especially in light of Plaintiff's ongoing medical treatment.
 19 Accordingly, the customary established deadlines cannot be met in this particular circumstance.
 20 For these reasons, the parties respectfully request a discovery cut-off date of January 2, 2024.

21 2. **Amending the Pleadings and Adding Parties:** The parties request that all
 22 motions to amend the pleadings or to add parties be filed no later than October 4, 2023, which is
 23 90 days before the January 2, 2024 close of discovery.

24 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure
 25 of experts be made on or before November 3, 2023, which is 60 days before the January 2, 2024
 26 close of discovery. Disclosure of rebuttal experts shall be made by December 4, 2023¹, which is
 27 30 days after the November 3, 2023 deadline for disclosure of experts.

28 ¹ The accurate deadline is December 3, 2023; this date is a Sunday, the practical deadline is Monday, December 4, 2023.

1 4. **Dispositive Motions:** The date for filing dispositive motions shall be no later than
 2 February 1, 2024, which is 30 days after the January 2, 2024 close of discovery. In the event that
 3 the discovery period is extended from the discovery cut-off date set forth in this proposed
 4 Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to
 5 be not later than 30 days from the subsequent discovery cut-off date.

6 5. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
 7 March 4, 2024², which is 30 days after the February 1, 2024, deadline for dispositive motions. In
 8 the event that dispositive motions are filed, the date for filing the joint pretrial order shall be
 9 suspended until 30 days after decision on the dispositive motions or until further order of the
 10 court. In the further event that the discovery period is extended from the discovery cut-off date
 11 set forth in this Discovery Plan and Scheduling Order, the date for filing the joint pretrial order
 12 shall be extended in accordance with the time periods set forth in this paragraph.

13 6. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
 14 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

15 7. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
 16 conferred about the possibility of using alternative dispute resolution including mediation,
 17 arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation
 18 would not be effective at this time as the parties and their counsel believe that it is necessary to
 19 conduct discovery before attempting to resolve this case. Counsel further agree that a settlement
 20 conference will be beneficial after discovery is concluded. Finally, the parties and their counsel
 21 are not interested in submitting this case to arbitration at this time.

22 8. **Alternative Forms of Case Disposition:** The parties certify that they discussed
 23 consenting to a trial by a magistrate judge or engaging in the Short Trial Program under
 24 Fed.R.Civ.P. 73 and at present do not consent to either alternative form of case disposition.

25 9. **Electronic Evidence:** The parties certify that they have discussed and intend to
 26 use electronic evidence at the trial of this matter and will ensure that said evidence is in an
 27 electronic format compatible with the Court's electronic jury evidence display system. At present,

28 ² The accurate deadline is March 2, 2024; this date is a Saturday, the practical deadline is Monday,
 March 4, 2024.

1 the parties have not agreed upon any stipulations regarding use of electronic evidence but will
2 address this issue again in the Pre-Trial Order.

3 **10. Extensions or Modifications of the Discovery Plan and Scheduling Order:**

4 Any stipulation or motion must be made no later than 21 days before the subject deadline.

5 Requests to extend discovery deadlines must comply fully with LR 26-3.

6 11. The parties further agree to service of discovery documents by electronic means,
7 including email.

8 DATED this 11th day of July, 2023.

9 **RICHARD HARRIS LAW FIRM**

10 */s/ Austin R. Wood*

11 Austin R. Wood, Esq.

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14 RICHARD HARRIS LAW FIRM

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19 Attorneys for Plaintiff

20 DATED this 11th day of July, 2023.

21 **ALVERSON TAYLOR & SANDERS**

22 */s/ Kurt R. Bonds*

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31 efile@alversontaylor.com

32 Counsel for Defendant

33 **ORDER**

34 **IT IS SO ORDERED:**

35 July 12, 2023

36 DATE

37 SUBMITTED this 11th day of July, 2023.

38 ALVERSON TAYLOR & SANDERS

39 */s/ Kurt R. Bonds*

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48 UNITED STATES MAGISTRATE JUDGE